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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,552	09/12/2003	Michel Renaat DeFloor	Q77193	6390
23373	7590	04/17/2007	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			TRAN, NGHI V	
			ART UNIT	PAPER NUMBER
			2151	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE		DELIVERY MODE	
3 MONTHS	04/17/2007		PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/660,552	DEFLOOR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nghi V. Tran	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 September 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/12/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 1-11 are presented for examination.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-5, 7-8, and 10-11 are rejected under 35 U.S.C. 101 because of the following reasons:

4. Claim 1 and 11 would reasonably be interpreted by one of ordinary skill as a system of software *per se*, which is failing to fall within a statutory category of invention. Applicant's disclosure contains no explicit and deliberate definition for the term "meta service selector," and in the context of the disclosure and claims in question, one of ordinary skill would reasonably interpret the "meta service selector" as software applications. As such, the system of "meta service selector" alone is not a machine, and it is clearly not a process, manufacture nor composition of matter. Therefore, claims 1 and 11 are directed to non-statutory subject matter because they are not directly to "functional descriptive material".

5. Claims 2-5, 7-8, and 10 are also rejected under 35 U.S.C. 101 because they are

directly on independent claims 1 and 11.

### ***Claim Objections***

6. Claims 1-11 are objected to because of the following informalities: “Meta Service Selector” is understood as --meta service selector--, “Meta Service Selector Protocol” is understood as --meta service selector protocol--, “A Method” is understood as –A method--, “A Client” is understood as --A client--, “Telecommunication or Computer Network Service” is understood as --telecommunication or computer network service--, “Network Access Server” is understood as --network access server--, “Distributed System” is understood as --distributed system--, and “Computer Software Product” is understood as --computer software product--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Saulpaugh et al., United States Patent Number 7,065,574 (hereinafter Saulpaugh).

9. With respect to claims 1 and 10, Saulpaugh teaches a meta service selector [col.10, ln.48 through col.11, ln.28] for enabling an interpreter to invoke a telecommunication or computer network service via an access network [see abstract and figs.6&14], comprising a representation of commands for invoking a service [col.7, ln.20 through col.8, ln.16], wherein the meta service selector is interpreted at an access network node [i.e. responding with result URL, see fig.14] of convergence within the access network for invoking said service [col.11, ln.18-28].

10. With respect to claim 2, Saulpaugh further teaches where the representation of commands for invoking a service consisting of input parameter such as partial results, service resource locations, service requestor identifications, and result recipient identifications [fig.14 and col.11, ln.18-28].

11. With respect to claim 3, Saulpaugh further teaches realized in extended Web Services Description Language [i.e. XML, fig.6].

12. With respect to claim 4, Saulpaugh further teaches wherein said protocol specifying the exchange of meta service selectors and service results between an access network node of convergence within the access network and further client and server parties [figs.42A-C].

13. With respect to claim 5, Saulpaugh further teaches realized by an extension of Extensible Mark-up Language Protocol [i.e. XML, fig.6].

14. With respect to claim 6, Saulpaugh further teaches establishing a service invocation context, if not already established, and executing Meta Service Selector commands by said Meta Service Selector Interpreter for invoking said service, and transmitting the service result to its destiny wherein the meta service selector is interpreted at an access network node of convergence within the access network for invoking said service [col.14, ln.43 through col.15, ln.34].

15. With respect to claim 7, Saulpaugh further teaches establishing a service invocation context, if not already established, and execution of Meta Service Selector commands by said Meta Service Selector Interpreter for invoking said service, wherein the meta service selector is interpreted at an access network node of convergence within the access network for invoking said service [col.14, ln.43 through col.15, ln.34].

16. With respect to claim 8, Saulpaugh further teaches a Meta Service Interpreter to invoke a second telecommunication or computer network service indirectly, wherein the meta service selector is interpreted at an access network node of convergence within the access network for invoking said service [figs.6&14].

17. With respect to claim 9, Saulpaugh further teaches a Meta Service Selector

Interpreter for interpreting a Meta Service Selector, establishing a service invocation context, if not already established, and execution of Meta Service Selector commands by said Meta Service Selector Interpreter for invoking said service [col.14, ln.43 through col.15, ln.34].

18. With respect to claim 10, Saulpaugh further teaches where said at least one network access server and at least one client comprising means for interpreting and executing said Meta Service Selectors and where said at least one network, at least one telecommunication or computer network service, and at least one client comprising protocol means for exchanging Meta Service Selectors and service results, wherein the meta service selector is interpreted at an access network node of convergence within the access network for invoking said service [figs.42A-C].

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. "Method and system for authentication and single sign on using cryptographically assured cookies in a distributed computer environment," by Purpura, United States Patent Number 6,421,768.

b. "Dynamic deployment of services in a computer network," by Brittnham et al., United States Patent Application Publication Number 2002/0178254.

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20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Thursday and every other Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi Tran  
Patent Examiner  
Art Unit 2151

April 4, 2007

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*Khanh Dinh*  
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